### **EXHIBIT "A"**

**EXHIBIT "A"** 

**EXHIBIT "A"** 

A-16-730678-C

#### DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

XV

	Cuse No. Obssigned by Clark's	Office)				
1. Party Information (provide both he	me and mailing addresses (f different)					
Plaintiff(s) (name/address/phone):	<u> </u>	Defenda	mt(s) (name/address/phone):			
Stephanie Bryson an individual;		North Vista Hospital, Inc., a corporation;				
		-{	1-10; AND ROE CORPORATIONS 11-20, inclusive;			
	(m) (a) (a) (a) (a) (a) (a) (a) (a) (a) (a	DOLG	17-10, AND INCE COME CITATIONS 17-24, Inclusive,			
Attorney (name/address/phone):		Anomey	/ (name/address/phone):			
Gabroy Law Offices	trodukturiski 19mijik - Brissin C. Abrika, 19mi <del>lianski haroldan op yngaryy yn ar sy</del> gym y yp ysgasyna					
170 S Green Valley Parkway, Suite 28	0	<u> </u>				
Henderson, NV 89012						
(702) 259-7777						
II. Nature of Controversy (please s.	elect the one most applicable filing type	below)	operatura operatura en			
Civil Case Filing Types	A					
Real Property		<del></del>	Torts			
Landlord/Tenant	Negligenec		Other Torts			
Unlawful Detainer	Auto		Product Liability			
Other Landford/Tenant	Premises Liability		Intentional Misconduct			
Title to Property	Other Negligence		Employment Tort			
Judicial Foreclosure	Mulpractice		Insurance Tort			
Other Title to Property	Medical/Dental	j	Other Tort			
Other Real Property	Legal	İ				
Condemnation/Eminent Domain	Accounting					
Other Real Property	Other Maipractice					
Prohate	Construction Defect & Contr	nct	Judicial Review/Appeal			
Probate (select case type and estate value)	Construction Defect		Judicial Review			
Summary Administration	Chapter 40		Forectosure Mediation Case			
General Administration	Other Construction Defect		Petition to Seal Records			
Special Administration	Contract Case		Mental Competency			
Set Aside	Uniform Commercial Code		Nevada State Agency Appeal			
Trust/Conservatorship	Building and Construction	1	Department of Motor Vehicle			
Other Probate	Insurance Carrier	1	Worker's Compensation			
Estate Value	Commercial Instrument	į	Other Nevada State Agency			
Over \$200,000	Collection of Accounts	j	Appeal Other			
Between \$100,000 and \$200,000	Employment Contract		Appeal from Lower Court			
Under \$100,000 or Unknown	Other Contract	1	Other Judicial Review/Appeal			
Under \$2,500	booms		11			
Civil	Writ		Other Civil Filing			
Civil Writ			Other Civil Filing			
Writ of Habeas Corpus	Writ of Prohibition		Compromise of Minor's Claim			
Writ of Mandamus	Other Civil Writ		Foreign Judgment			
Writ of Quo Warrant			Other Civil Matters			
Business Co	ourt filings should be filed using the	Business	Court civil coversheet.			
4/DG/DD4&		1.				
1/22/2016 Date	<del></del>	Silvan	ture of initiating party or representative			
અનાવ		OCHIU	and or hunding party or representance			

See other side for family-related case filings.

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COMP **GABROY LAW OFFICES** Christian Gabroy (#8805) Ivy Hensel (#13502) The District at Green Valley Ranch 170 South Green Valley Parkway, Suite 280 Henderson, Nevada 89012 (702) 259-7777 Tel (702) 259-7704 Fax CHRISTIAN@GABROY.COM ATTORNEYS FOR PLAINTIFF

CLERK OF THE COURT

#### DISTRICT COURT

#### EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA

STEPHANIE BRYSON, an individual; Plaintiff, VS.

NORTH VISTA HOSPITAL, INC., a corporation; DOES 1 through 10; and ROE Corporations 11 through 20, inclusive.

Defendants.

Case No.: A- 16- 7 30678- C Dept.:

XV

Complaint

(Jury Demand)

#### COMPLAINT

COMES NOW Plaintiff Stephanie Bryson ("Plaintiff" or "Bryson"), by and through her attorneys, Christian Gabroy, Esq. and Ivy Hensel, Esq. of Gabroy Law Offices, and hereby alleges and complains against Defendant North Vista Hospital, Inc. ("Defendant" or "North Vista Hospital") as follows:

#### VENUE AND JURISDICTION

1. This is a civil action for damages under state and federal laws prohibiting unlawful employment actions and to secure the protection of and to redress deprivation of rights under these laws.

Page 1 of 9

(a) an individual residing in this judicial district;

Leave Act ("FMLA"), 29 U.S.C. § 2611.

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2.	Jurisdiction and venue is based upon 28 U.S.C. § 2617(a)(2), NRS Chapter
613, et. seq.,	and Plaintiff's claims under Nevada common law. Further, Plaintiff demands
a jury trial on	all issues triable by jury herein.

3. All alleged unlawful employment actions occurred in this judicial district.

#### THE PARTIES

- At the time the relevant events occurred, Plaintiff, at all times relevant, was 4.
- (b) an employee of Defendant as that term is defined in the Family and Medical
- At all times relevant, Defendant was a foreign corporation organized under the laws of Nevada and was Plaintiff's employer as that term is defined at 29 U.S.C. § 2611.
- At all times relevant, Defendant had custody and/or control over Plaintiff 6. and her employment and was responsible for Plaintiff's labor and employment matters.
- 7. DOE DEFENDANTS I-X, inclusive, are persons and ROE DEFENDANTS XI-XX, inclusive, are corporations or business entities (collectively referred to as "DOE/ROE DEFENDANTS"), whose true identities are unknown to Plaintiff at this time. These ROE CORPORATIONS may be parent companies, subsidiary companies, owners, predecessor or successor entities, or business advisors, de facto partners, Plaintiff's employer, or joint venturers of Defendants. Individual DOE DEFENDANTS are persons acting on behalf of or at the direction of any Defendants or who may be officers. employees, or agents of Defendants and/or a ROE CORPORATION or a related business entity. These DOE/ROE Defendants were Plaintiff's employer(s) and are liable for Plaintiff's damages alleged herein for their unlawful employment actions/omissions.

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Plaintiff will seek leave to amend this Complaint as soon as the true identities of DOE/ROE DEFENDANTS are revealed to Plaintiff.

#### THE FACTS

- 8. At all times relevant, Plaintiff was employed by Defendant.
- 9. At all times relevant, Plaintiff was an exemplary employee. Plaintiff met and/or exceeded Defendant's performance expectations.
- 10. On or about January 17, 2014, Plaintiff suffered a work related job injury. As Plaintiff was pushing a door closed, individuals on the other side of the door pushed in, causing Plaintiff to fall. As she was falling, Plaintiff hit her knee on the door.
- 11. Plaintiff sought medical care. Plaintiff was diagnosed as having a contusion of the knee as well as a knee and leg sprain.
- 12. As a result of her work related injury, Plaintiff suffered a compensable work related injury and sought a worker's compensation claim. See attached C-4 form hereto as Exhibit I.
- 13. At all relevant times, Plaintiff informed Defendant of her work related injury, filed her workers compensation claim, and was discriminated against because of her work related injury and for her pursuit and filing of her workers compensation claim.
- 14. Plaintiff was released to return to work on or about January 20, 2014 with restrictions of no prolonged standing and/or walking longer than five minutes per hour, no squatting and/or kneeling, no climbing stairs or ladders, the requirement of wearing a brace, and sitting 90% percent of the time.
  - 15. On or about February 6, 2014, Plaintiff became ill at work.
- 16. On or about the same day of February 6, 2014, Plaintiff sought medical attention with her primary care doctor during Plaintiff's lunch break at or around 1 P.M.

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17.	After	seeking	medica	l attent	ion fro	m her	prima	ary car	e doctor,	be	cause
Plaintiff was	diagno	sed as f	iebrile, s	he was	admitt	ed into	o the o	emerge	ncy room	at	North
Vista Hospita	ıl,										

- 18. Plaintiff notified her supervisor, Ms. Mary Jo Russo, an agent of Defendant, of her arrival to the emergency room.
  - 19. Plaintiff suffered from a serious health condition, cholecystitis.
- 20. While in the emergency room, Ms. Melissa McCoy ("McCoy"), Director of Human Resources, visited Plaintiff, informed, and represented to her that she would be able to take Family Medical Leave Act ("FMLA") leave of absence. McCoy informed and represented to Plaintiff that she would take care of Plaintiff's FMLA paperwork and that Plaintiff would be approved for FMLA.
- 21. Plaintiff, upon reliance of the above, believed and was informed that she was on an FMLA leave of absence.
- 22. On or about February 7, 2014, Plaintiff had an endoscopy procedure completed.
- 23. On or about February 7, 2014, Defendant provided Plaintiff access to her work laptop in order to allow Plaintiff to work while she was admitted to the hospital.
- 24. On or about February 8, 2014, Plaintiff had laparoscopic surgery performed. Subsequently, Plaintiff was discharged to recover at home.
- 25, Plaintiff was scheduled for a follow up appointment with her surgeon for a post-operation assessment on or about February 20, 2014.
- 26. Plaintiff continued to work on several work projects while at home recovering from her surgery. In addition, Plaintiff continued to assist staff members with work related issues via email and text message.

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:	27.	On	or	about	February	18,	2014,	Plaintiff's	super	visor,	Melissa	МсСоу
("McCo	y"), se	ent F	lair	itiff a t	ext messa	ige a	sking v	vhen she	was g	oing to	return t	to work
Plaintiff	f inforr	ned	McC	Coy tha	it she had	not	had he	r post ope	ration	assess	ment an	d would
update	McCo	y afte	er s	he met	with her d	octor						

- 28. Plaintiff was not released to return to work due to complications.
- 29. On or about February 20, 2014, Plaintiff notified McCoy that she was not released to return to work due to medical complications. Plaintiff continued to work from home during such time.
- 30. On or about February 24, 2014, due to complications with her surgery, Plaintiff was required to get lab work done and an ultrasound completed. Plaintiff continued to work from home during such time. Plaintiff assisted and responded to work issues.
- 31. On or about February 25, 2014, Defendant wrongfully terminated Plaintiff. Defendant stated and alleged that it had made several attempts to determine Plaintiff's intent to continue employment with Defendant. Defendant further falsely alleged that Plaintiff dld not respond to such requests for information and, as a result, was terminating Plaintiff. See attached letter hereto as Exhibit II.
- 32. On or about February 28, 2014, Plaintiff contacted her supervisor, McCoy, to inform McCoy that she was working and communicating with Defendant's staff. Plaintiff provided McCoy emails between Plaintiff and staff to show that she continued to work while on medical leave.
- On or about the same day of February 28, 2014, Plaintiff's surgeon faxed a 33. progress report to Defendant, which provided that Plaintiff may not return to work. See attached patient work release form hereto as Exhibit III.
  - 34. On or about March 3, 2014, Plaintiff's supervisor, McCoy, provided that she

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was informed that Plaintiff was working during Plaintiff's medical leave of absence. See attached correspondence hereto as Exhibit IV.

#### COUNTI **VIOLATION OF FAMILY MEDICAL LEAVE ACT**

- 35. Plaintiff repeats and reasserts the allegations contained in Paragraphs 1 through 34 as if fully incorporated by reference herein.
- 36. Plaintiff, by seeking and believing she took medical leave with the aid of agents of Defendant because of her serious medical condition, exercised her rights under FMLA. Employer Defendant committed the aforementioned conduct including Plaintiff's termination in reckless and willful violation of Plaintiff's federally protected Defendant's aforementioned conduct including such termination of Plaintiff rights. resulted in Defendant engaging in activity that chilled the exercise of Plaintiff's rights, caused interference, caused harassment, retaliated against Plaintiff for exercising her rights under the FMLA, and/or discriminated against Plaintiff in violation of the FMLA 29 USC § 2615 et, seq. Defendant's aforementioned conduct and resulting termination of Plaintiff was motivated by the exercise of Plaintiff's rights under FMLA and was in violation of the FMLA.
- Defendant discriminated against and discharged Plaintiff for exercising her 37. FMLA protected rights. Defendant did not allow Plaintiff to utilize her federally protected FMLA leave and terminated her while she was on a leave of absence.
- 38. Defendant interfered with, restrained, and/or denied the exercise of or the attempt to exercise Plaintiff's rights under the FMLA.

#### COUNT II TORTIOUS DISCHARGE - PUBLIC POLICY TORT PUBLIC POLICY OF PROTECTING EMPLOYEES WHO PURSUE WORKERS' COMPENSATION CLAIMS

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39.	Plaintiff repeats	and reasserts	the allegations	contained i	in Paragraphs	1
through 38 a	s if fully incorpora	ated by reference	ce herein			

- 40. Defendant terminated Plaintiff for reasons that violate Nevada's public policy against terminating employees for pursuing and filing workers' compensation claims. Defendant tortuously terminated Plaintiff for her pursuit and filing of her lawful workers' compensation claim.
- 41. As a proximate result of Defendant's tortious discharge of Plaintiff, Plaintiff has suffered general, special, and consequential damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).
- 42. Defendant's acts and/or omissions were fraudulent, malicious, or oppressive under NRS 42.005. Pursuant to NRS 42.005 Plaintliff is entitled to an award of punitive damages in excess of Ten Thousand Dollars (\$10,000.00).
- As a result of Defendant's conduct, as set forth herein, Plaintiff has been 43. required to retain the services of an attorney, and as a direct, natural, and foreseeable consequence thereof, has been damaged thereby, and is entitled to reasonable attorney's fees and costs.

#### COUNT III **NEGLIGENT HIRING, TRAINING, & SUPERVISION**

- 44 Plaintiff repeats and reasserts the allegations contained in Paragraphs 1 through 43 as if fully incorporated by reference herein.
- 45. Defendant had a duty of reasonable care to protect the Plaintiff from the negligent and/or careless actions of their own agents, officers, employees, and others.
- 46. In addition, Defendant had a duty not to hire individuals with a propensity towards committing unlawful acts against Plaintiff, and to adequately train and supervise their employees in regards to all correct policies and procedures in regards to medical Page 7 of 9

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leave, absence, and/or termination policies and procedures.

47. In violation of that duty, Defendant damaged Plaintiff by failing to supervise, train, and hire appropriate personnel which resulted in damages including severe emotional distress, including but not limited to great mental and emotional harm, anguish, insecurity, damage to self-esteem and self-worth, shame and humiliation, lack of appetite, loss of sleep and/or anxiety.

#### **COUNT IV** FRAUD/MISREPRESENTATION

- Plaintiff repeats and reasserts the allegations contained in Paragraphs 1 48. through 47 as if fully incorporated by reference herein.
- Defendant falsely represented to Plaintiff that Defendant would process 49. Plaintiff's FMLA paperwork on her behalf and that Plaintiff was on approved medical leave of absence. Plaintiff reasonably relied on these representations. Despite these representations, Defendant did not intend to provide Plaintiff with FMLA leave of absence or any form of medical leave that would allow her to return to her job.
- Despite knowledge that such representations were false, Defendant willfully 50. and deceptively failed to disclose to Plaintiff that Plaintiff would be terminated from her employment as a result.
- The representations were intended to induce Plaintiff to take time off of work 51. and to believe that she had job security.
  - Plaintiff justifiably relied on the representations made by Defendant. 52.
- As direct and proximate result of the misrepresentations of Defendant and 53. Plaintiff's justifiable reliance thereon, Plaintiff suffered actual, special, and consequential damages in excess of \$10,000.00.
  - The conduct by Defendant, as described herein, was fraudulent, malicious, 54. Page 8 of 9

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or oppressive under NRS 42. 005, entitling Plaintiff to an award of punitive damages.

55. As a further, direct, and proximate result of the conduct of Defendant, Plaintiff has been compelled to retain attorneys to prosecute this action. Therefore, Plaintiff is entitled to an award of attorney's fees.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 1. For general damages in excess of \$10,000.00;
- 2. For special damages in excess of \$10,000.00;
- For consequential damages in excess of \$10,000.00;
- 4. For punitive damages in excess of \$10,000.00;
- For liquidated damages in excess of \$10,000.00;
- For injunctive relief;
- 6. Such other and further relief as the Court may deem just and proper.

DATED this 22<sup>nd</sup> day of January 2016.

#### **GABROY LAW OFFICES**

By /s/ Christian Gabroy\_\_\_\_\_

Gabroy Law Offices
Christian Gabroy (#8805)
Ivy Hensel (#13502)
The District at Green Valley Ranch
170 South Green Valley Parkway,
Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
ATTORNEYS FOR PLAINTIFF

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1409 E. Lake Mead Blvd. North Las Vegas, NV 69030 p: 702.657,5504 f: 702.657,5536 www.northvistahospital.com

February 25, 2014

Stephanie Bryson



Dear Stephanie,

You are currently on an unapproved leave of absence. We have made several attempts to find out your intent to continue employment with North Vista Hospital. However, you have not responded to these requests for information. As a result of this non-compliance with our requests, your employment will terminate as of the date of this letter. If you have any personal belongings in your office, please contact me at (702) 657-5771 to make arrangements to pick those up.

Sincerely,

Melissa McCoy
Director of Human Resources

### Patient Work Release

Brian Citro, M.D., P.C. · Stephen Vargo, MD 5150 N. Tenaya Way Suite 550 . Las Vegas, NV 89128 (70±) 6+8-0400 • fax (70±) 636-0949 The above named patient was seen by me on to receive medical treatment. Employee may not return to work at this time. He/She will be re-evaluated on Employee may return to work on with the following restrictions: ☐ Without Restriction ☐ Within the following limitations: (limitations to remain in effect until SEDENTARY: Lifting 10 lbs. maximum. Occasionally lifts or carried small items. Some walking and standing may be necessary. LIGHT WORK: Lifting 20 lbs. maximum. Lifting and carrying up to 10 lbs. Some pushing or pulling acceptable. MEDIUM WORK: Lift 50 lbs, maximum with frequent lifting and carrying up to 50-70 lbs. **HEAVY WORK:** Lift 70-100 lbs maximum with frequent lifting and carrying up to 50-70 lbs.

Date

Stephen Vargo, MD

# Exhioit IV



1409 E. Lake Mead Blvd. North Las Vegas, NV 89030 pr 702.657.5504 ft 702.657.5636 www.northvistahospital.com

March 3, 2014

Stephanie Bryson



Dear Stephanle,

During our phone conversation on 2/27/14, you informed me that you had been working during your medical leave. Thank you for bringing this to my attention. Because you were working during the 2/16/14 – 3/1/14 pay period, we will pay you for the entire pay period. In review of your MTO accrual and usage, you accrued 30.75 hours since 1/1/14 and have used 65 hours therefore you are not eligible for an MTO payout.

As previously communicated to you, you are currently on an unapproved leave of absence, therefore, your termination of employment stands. If you have any personal belongings in your office, please contact me at (702) 657-5771 to make arrangements to pick those up.

Sincerely,

Melissa McCoy

Director of Human Resources

	1	Dated this 22 <sup>nd</sup> day of January 2016.
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	5	Gabroy law offices.
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	7	By <u>: /s/ Ćhristian Gabroy</u> Christian Gabroy (#8805)
	8	Ivy Hensel (#13502) 170 South Green Valley Parkway,
	9	Suite 280 Henderson, Nevada 89012
	10	Tel (702) 259-7777
	11	Fax (702) 259-7704 christian@gabroy.com
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